

UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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AVI-001.03

Jo Handelsman

06/08/2001

09/877,406

CONFIRMATION NO. 8083

FORMALITIES LETTER



0C000000006207950

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

Date Mailed: 06/21/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

710.00 DP
560.00 DP
560.00 DP
270.00 DP
130.00 DP

01 FC:101
02 FC:102
03 FC:103
04 FC:104
05 FC:105

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
Total additional claim fee(s) for this application is \$1640.
Repln. Ref: 10/18/2001 SDUNG 0011070000
DB:061448 Hade/Huober:09877406
FC: 704 \$90.00 CR
- \$810 for 45 total claims over 20.
- \$560 for 7 independent claims over 3.
- \$270 for multiple dependent claim surcharge.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2480.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.
The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Handelsman et al.	Examiner: None assigned
Serial No.: 09/877,406	Group Art Unit: 1636
Filed: June 8, 2001	
For: <i>Microorganism Genomics, Compositions and Methods Related Thereto</i>	Attorney Docket No.: AVI-001.03

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date set forth below.	
<u>September 21, 2001</u>	By: <u>Michael R. Phelan</u>
Date of Signature and Mail Deposit	

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

Enclosed herewith is a response to the Notice to File Missing Parts dated June 21, 2001. In response to the Notice, enclosed is a check in the amount of \$2,570.00 (which includes a large entity filing fee of \$710.00, a surcharge of \$130.00, a total claims surcharge of \$900.00, an independent claims surcharge of \$560.00, and a multiple dependent claim surcharge of \$270.00). This response also includes the requested substitute drawings.

As the Response to the Notice to File Missing Parts was due on August 21, 2001, the Applicant encloses herewith a Petition for One-Month Extension of Time and required extension fee. If there is any further fee due in connection with this filing, or if any refund is owed, please charge/credit our Deposit Account No. 06-1448.

20/471125.1

Respectfully submitted,
FOLEY, HOAG & ELIOT LLP


A handwritten signature in cursive script, appearing to read "I. Claus", written over a horizontal line.

Isabelle M. Claus, Ph.D.
Attorney for Applicants
Reg. No. 47,326

Patent Group
FOLEY, HOAG & ELIOT LLP
One Post Office Square
Boston, MA 02109
(617) 832-1000
Date: September 21, 2001

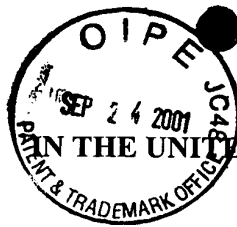
<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="font-size: small; margin: 0;">Patent fees are subject to annual revision.</p>		<p>Complete if Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/877,406</td> </tr> <tr> <td>Filing Date</td> <td>6/8/01</td> </tr> <tr> <td>First Named Inventor</td> <td>Handelsman et al.</td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Group / Art Unit</td> <td>1636</td> </tr> <tr> <td>Attorney Docket No.</td> <td>AVI-001.03</td> </tr> </table>		Application Number	09/877,406	Filing Date	6/8/01	First Named Inventor	Handelsman et al.	Examiner Name		Group / Art Unit	1636	Attorney Docket No.	AVI-001.03
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Attorney Docket No.	AVI-001.03														
TOTAL AMOUNT OF PAYMENT (\$)		2680													

<p>METHOD OF PAYMENT (check one)</p> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 06-1448</p> <p>Deposit Account Name: Foley, Hoag & Eliot, LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p> <p style="text-align: center;">FEE CALCULATION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5">1. 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EXTRA CLAIM FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Total Claims</td> <td>70</td> <td>-20**</td> <td>=</td> <td>50</td> <td>X</td> <td>Fee from below</td> <td>18</td> <td>=</td> <td>900</td> </tr> <tr> <td>Independent Claims</td> <td>10</td> <td>-3**</td> <td>=</td> <td>7</td> <td>X</td> <td>80</td> <td>=</td> <td>560</td> </tr> <tr> <td>Multiple Dependent</td> <td>1</td> <td></td> <td></td> <td></td> <td>X</td> <td>270</td> <td>=</td> <td>270</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Large Fee Code</th> <th>Entity (\$)</th> <th>Small Fee Code</th> <th>Entity (\$)</th> <th>Fee Description</th> </tr> <tr> <td>103</td> <td>18</td> <td>203</td> <td>9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>102</td> <td>80</td> <td>202</td> <td>40</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>104</td> <td>270</td> <td>204</td> <td>135</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>109</td> <td>80</td> <td>209</td> <td>40</td> <td>** Reissue independent claims over original patent</td> </tr> <tr> <td>110</td> <td>18</td> <td>210</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> </tr> <tr> <td colspan="4">SUBTOTAL (2)</td> <td>(\$ 1730)</td> </tr> </table> <p>**or number previously paid, if greater; For Reissues, see above</p>	1. 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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Isabelle M. Clauss	Registration No. Attorney/Agent	47,326	Telephone	617-832-1000
Signature				Date	9/21/01

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Receipt
A

In re Application of: Handelsman et al Application No: 09/877,406 Filed: June 8, 2001 For: <i>Microorganism Genomics, Compositions and Methods Related There to</i>	Examiner: Not yet assigned Art Unit: 1636 Attorney Docket No. AVI-001.03
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Assistant Commissioner for Patents
Washington, DC 20231

<p style="text-align: center;">CERTIFICATE OF FIRST CLASS MAILING</p> <p>I hereby certify that this Request for Correction of Filing Receipt is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on September 21, 2001.</p> <p style="text-align: center;"><u>Michael P. Phelan</u></p>
--

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

The Applicant hereby requests that the information indicated on the Filing Receipt received in the above-referenced application be amended as follows:

Please change the "Domestic Priority Data as Claimed by the Applicant" to include the following highlighted portions:

THIS APPLICATION IS A CON OF 08/969,651 11/13/97, WHICH IS A CIP OF 08/956,692 FILED 10/24/97, WHICH CLAIMS BENEFIT OF 60/063,230 10/23/97.


In support hereof, the Applicant also hereby encloses a copy of the Filing Receipt with the specific changes noted thereon.

Should there be any questions concerning this request, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully Submitted,

Date: September 21, 2001

Customer No: 25181
Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170



Isabelle M. Clauss, Ph.D.
Reg. No. 47,326
Tel. (617) 832-1000
Fax. (617) 832-7000



**FOLEY
HOAG**
ATTORNEYS AT LAW



#4

September 21, 2001

Isabelle M. Clauss, Ph.D., J.D.
Boston Office
617.832.1177
imc@foleyhoag.com

Box Missing Parts
Assistant Commissioner of Patents
Washington, DC 20231

Re: U.S. Patent Application No.: 09/877,406
Entitled: *Microorganism Genomics, Compositions and Methods Related
Thereto*
Filed: June 8, 2001
By: Handelsman et al.
Atty Ref: AVI-001.03

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:

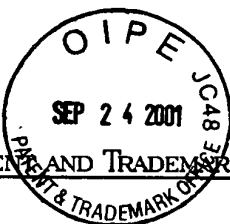
1. A copy of Notice to File Missing Parts of Nonprovisional Application;
2. Response to Notice to File Missing Parts;
3. Fee Transmittal;
4. Check in the amount of \$2,570.00 for filing and surcharge fees;
5. Substitute drawings - 7 sheets (Figures 1 - 6B);
6. Petition for One-Month Extension of Time;
7. Check in the amount of \$110.00 for extension of time;
8. Request for Correction of Filing Receipt;
9. Copy of Filing Receipt with changes noted thereon;
10. Information Disclosure Statement Under 37 C.F.R. 1.97(b);
11. Form PTO-1449;
12. Copies of References AC and CA - CF;
13. Preliminary Amendment; and
14. Return receipt postcard.

20/471138.1

BOSTON / One Post Office Square / Boston, Massachusetts 02109 / TEL: 617.832.1000 / FAX: 617.832.7000
WASHINGTON, DC / 1747 Pennsylvania Ave., NW / Suite 1200 / Washington, DC 20006 / TEL: 202.223.1200 / FAX: 202.785.6687
Foley, Hoag & Eliot LLP www.foleyhoag.com

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/877,406	06/08/2001	1636	0.00	AVI-001.03	7	45	10

CONFIRMATION NO. 8083

25181
FOLEY, HOAG & ELIOT, LLP
PATENT GROUP
ONE POST OFFICE SQUARE
BOSTON, MA 02109

FILING RECEIPT



OC00000006207949

Date Mailed: 06/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jo Handelsman, Madison, WI;
Robert M. Goodman, Madison, WI;
Michelle R. Rondon, Madison, WI;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/969,651 11/13/1997, which is a CIP of 08/956,692 filed 10/24/97, WHICH CLAIMS BENEFIT OF 60/063,230 10/23/1997

Foreign Applications

If Required, Foreign Filing License Granted 06/20/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Microorganism genomics, compositions and methods related thereto

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JUN 25 2001

PATENT DEPT.
DOCKETING

Preliminary Class
435

Data entry by : TAN, LEA-YUET

Team : OIPE

Date: 06/21/2001





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